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12 Shops, Inc. d.b.a. Marie Callender's #254

13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA  
15

16 OUTERBRIDGE ACCESS  
17 ASSOCIATION, SUING ON BEHALF OF  
18 DIANE CROSS; and DIANE CROSS, An  
19 Individual,

20 Plaintiff,

21 vs.

22 MARIE CALLENDER'S PIE SHOPS,  
23 INC. d.b.a. MARIE CALLENDER'S #254;  
24 PACIFIC BAGELS, LLC d.b.a.  
25 BRUEGGARS BAGELS; COURTYARD  
26 HOLDINGS, LP; PSS PARTNERS, LLC;  
27 AND DOES 1 THROUGH 10, Inclusive,

28 Defendants.

Case No. 07-CV-2129 BTM (AJB)

**CERTIFICATE OF SERVICE**  
NOTICE OF MOTION AND MOTION  
TO DISMISS PORTIONS OF  
PLAINTIFFS' COMPLAINT  
PURSUANT TO F.R.C.P. 12(b)(1) AND  
12(b)(2); AND FOR ORDER  
DECLINING SUPPLEMENTAL  
JURISDICTION

Date: January 25, 2008

Time: 11:00 a.m.

Ctrm: 15

*\*Per Chambers, no oral argument unless  
required by the court.*

Complaint Filed: November 7, 2007

Trial Date: None Set

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**CERTIFICATE OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

On November 29, 2007, I served the foregoing document described as:

**NOTICE OF MOTION AND MOTION TO DISMISS;**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION (1) TO DISMISS PORTIONS OF PLAINTIFFS' COMPLAINT PURSUANT TO F.R.C.P. 12(b)(1) AND 12(b)(2); AND (2) FOR ORDER DECLINING SUPPLEMENTAL JURISDICTION;**

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS (1) MOTION TO DISMISS PORTIONS OF PLAINTIFFS' COMPLAINT AND (2) FOR ORDER DECLINING SUPPLEMENT JURISDICTION; and**

**APPENDIX OF FOREIGN AUTHORITIES IN SUPPORT OF DEFENDANTS (1) MOTION TO DISMISS PORTIONS OF PLAINTIFFS' COMPLAINT AND (2) FOR ORDER DECLINING SUPPLEMENT JURISDICTION**

on the following person(s) in the manner indicated:

**SEE ATTACHED SERVICE LIST**

[ ] (BY MAIL) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope, with postage fully prepaid, addressed as set forth herein, and such envelope was placed for collection and mailing at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

[ ] (BY FEDEX) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for delivery by overnight courier. Correspondence so collected and processed is deposited in a box or other facility regularly maintained by FedEx that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope designated by FedEx with delivery fees paid or provided for, addressed as set forth herein, and such envelope was placed for delivery by FedEx at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

1 ☐ (BY FACSIMILE TRANSMISSION) On this date, at the time indicated on the  
 2 transmittal sheet, attached hereto, I transmitted from a facsimile transmission machine,  
 3 which telephone number is (949) 717-3100, the document described above and a copy  
 4 of this declaration to the person, and at the facsimile transmission telephone numbers,  
 5 set forth herein. The above-described transmission was reported as complete and  
 6 without error by a properly issued transmission report issued by the facsimile  
 7 transmission machine upon which the said transmission was made immediately  
 8 following the transmission.

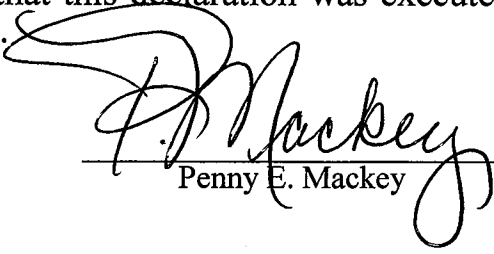
9 ☐ (BY E-MAIL) I transmitted a copy of the foregoing document(s) by e-mail to  
 10 the addressee(s).

11 ☐ (BY ELECTRONIC TRANSMISSION) I served electronically from the  
 12 electronic notification address of \_\_\_\_\_ the document described above and a  
 13 copy of this declaration to the person and at the electronic notification address set forth  
 14 herein. The electronic transmission was reported as complete and without error.

15 ☒ ELECTRONIC SERVICE – by causing the document to be served via the  
 16 Court's ECF Filing System.

17 ☒ (FEDERAL) I declare that I am employed in the office of a member of the Bar  
 18 of this Court at whose direction the service was made.

19 I declare under penalty of perjury under the laws of the State of California that  
 20 the foregoing is true and correct, and that this declaration was executed on November  
 21 29, 2007, at Newport Beach, California.

22   
 23 Penny E. Mackey  
 24  
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 26  
 27  
 28

**SERVICE LIST**

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Individual**